

Remarks

Applicants have carefully examined the January 28, 2009 Office Action, in which claims 1-3, 5-41 and 44-48 were pending, claims 14-24 and 38-41 were allowed, claims 1, 3, 5, 6, 13, 25, 27-34 and 44-48 were rejected and claims 2, 7-12, 26 and 35-38 were objected to. Reconsideration is requested in light of the following remarks.

Claim Amendments

Claims 1 and 25 were amended to incorporate the elements of claims 2 and 26, respectively, which depended therefrom and which were cancelled. Claims 6 and 44-48 were also cancelled. Claim 32 was amended to correct an antecedent basis issue. No new matter has been introduced.

Claim Rejections

Claims 32-34 were rejected under 35 USC 112, second paragraph for failing to provide antecedent basis for “the delivery catheter” of claim 32. This has been amended to “the delivery cannula,” an element for which antecedent basis exists. Applicants therefore request withdrawal of the rejection.

Claims 1, 3, 6 and 13 were rejected under 35 USC 102(b) as being anticipated by Cope, USPN 4,405,314. Applicants respectfully traverse the rejection.

Claim 1 has been amended by incorporating the elements of dependent claim 2, which was objected to in this Office Action but otherwise indicated as allowable.

Applicants therefore submit that claim 1, as well as claims 3 and 13 which depend from claim 1 and contain additional elements, are consequently in condition for allowance over Cope. Claim 6 has been cancelled. Applicants therefore request the withdrawal of the rejection.

Claims 25, 27-34 and 44-48 were rejected under 35 USC 102(b) as being anticipated by Janzen, USPN 5,437,631. Applicants respectfully traverse the rejection.

Claim 25 has been amended by incorporating the elements of dependent claim 26, which was objected to in this Office Action but otherwise indicated as allowable. Applicants therefore submit that claim 25, as well as claims 27-34 which depend from claim 25 and contain additional elements, are consequently in condition for allowance over Janzen. Claims 44-48 have been cancelled. Applicants therefore request the withdrawal of the rejection.

Claims 1 and 5 were rejected under 35 USC 102(e) as being anticipated by Nash, USPN 6,090,130. Applicants respectfully traverse the rejection.

Claim 1 is submitted to be in condition for allowance for the reasons discussed above in the rejection over Cope. Claim 5 depends from claim 1 and contains additional elements, and is therefore submitted to be also in condition for allowance. Applicants therefore request the withdrawal of this rejection.

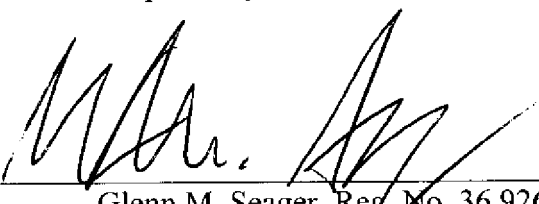
Allowable Subject Matter

Applicants thanks the Examiner for the indication of allowability with respect to claims 14-24 and 38-41.

Claims 2, 7-12, 26 and 35-37 were indicated as allowable but were objected to as dependent on rejected base claims. Claims 2 and 26 were cancelled, as discussed above. Applicants submit that claims 7-12 and 35-37 are also now in condition for allowance, for the reasons discussed above. Applicants therefore request withdrawal of the objection.

Reexamination and reconsideration are respectfully requested. It is respectfully submitted that the claims are now in condition for allowance, issuance of a Notice of Allowance in due course is requested. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Date: April 28, 2009 
Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050